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E.O. 12958: DECL: 05/27/2018
TAGS: [AORC](#) [PARM](#) [KNPP](#) [IAEA](#) [IR](#)
SUBJECT: IAEA/IRAN: NEW VIOLATIONS?

REF: UNVIE 303

Classified By: Ambassador Gregory L. Schulte for
reasons 1.4 b,d,h

11. (C) Action request: The Director General's May 26 report on Iran (GOV/2008/1) cites two potential violations by Iran of its international obligations. Mission requests a legal opinion by May 30th as to whether these two instances can be deemed "new" violations by Iran of its Safeguards Agreement and/or UNSC obligations.

12. (C) The first potential violation noted in Para 11 of the DG's report regards Iran's failure to provide early design information for additional centrifuges at the Fuel Enrichment Plant (FEP) and Pilot Fuel Enrichment Plant at Natanz. Para 11 of report states: "These changes are significant and as such should have been communicated to the Agency, in accordance with Code 3.1 of the Subsidiary Arrangements General Part, sixty days before the modifications were scheduled to be completed." Is Iran's failure to do so, thus, a new violation of revised Code 3.1? UNSCR 1803 refers to Code 3.1 in both preambular and operative language. PP5 emphasizes that Code 3.1 cannot be suspended or unilaterally modified. OP 1 underlines that the IAEA has sought confirmation that Iran will apply Code 3.1 modified. If this new instance is a further violation of Code 3.1, could it also be considered a violation of UNSCR 1803?

13. (C) The second potential new violation noted in Para 13 of the DG's report concerns Iran's failure to allow, "as a transparency measure," IAEA access to additional locations related to inter alia, centrifuge manufacture, uranium enrichment R&D and uranium mining/milling. Could this failure be considered a violation of 1737 OP8, which stipulates: "Decides that Iran shall provide such access and cooperation as the IAEA requests to be able to verify suspension...and to resolve all outstanding issues as identified in IAEA reports..."? UNSCRs 1737, 1747 and 1803 also affirm/reaffirm that Iran shall take steps required by the Board of Governors, which include implementation of transparency measures. IAEA Board resolution GOV/2006/14 OP 1 specifies that transparency measures include access to "certain military-owned workshops and research and development as the Agency may request in support of its ongoing investigations." Is Iran's failure to implement transparency measures, thus a violation of these UNSCRs?

14. (C) If these are judged to be new violations, we would like to state this in our Board consultations and believe they should be included in our Board statement.
SCHULTE